United States Department of Labor
Employees' Compensation Appeals Board

TIMOTHY C. WEBB, Appellant	)	
and	)	**Docket No. 05-1782**
	)	**Issued: December 8, 2005**
DEPARTMENT OF THE AIR FORCE, HANCOCK FIELD, Syracuse, NY, Employer	)	

Appearances:
Jeffrey Zeelander, Esq., for the appellant
Office of Solicitor, for the Director

Case Submitted on the Record

DECISION AND ORDER

Before:
ALEC J. KOROMILAS, Chief Judge
DAVID S. GERSON, Judge
MICHAEL E. GROOM, Alternate Judge

JURISDICTION

On August 29, 2005 appellant filed a timely appeal from the Office of Workers' Compensation Programs' merit decision dated August 18, 2005 denying his carpal tunnel syndrome condition as employment related. Pursuant to 20 C.F.R. §§ 501.2(c) and 501.3, the Board has jurisdiction over the merits of this case.

ISSUE

The issue is whether appellant has established that he sustained bilateral carpal tunnel syndrome causally related to factors of his federal employment.

FACTUAL HISTORY

On August 6, 2004 appellant, then a 56-year-old retired aircraft mechanic, filed an occupational disease claim (Form CA-2) alleging that he sustained bilateral carpal tunnel syndrome (CTS) as a result of his federal employment. Appellant retired on April 5, 2002. In a statement dated May 18, 2004, appellant reported that his federal employment involved repeated movement of the hands and wrists, as well as use of hand tools, in maintaining aircraft.

By decision dated July 20, 2004, the Office denied the claim for compensation. The Office found that appellant had "failed to notify management of any problem or medical condition" and failed to provide medical evidence in support of the claim.

Appellant requested a hearing before an Office hearing representative and submitted medical evidence from an orthopedic surgeon, Dr. C. Perry Cooke.[1] In a surgical report dated September 22, 2004, Dr. Cooke diagnosed right carpal tunnel and indicated a right carpal tunnel release was performed. The record indicates that appellant underwent a left carpal tunnel release on December 15, 2004.

In a report dated June 1, 2005, Dr. Daniel Carr, an orthopedic surgeon, provided a history and results on examination. Dr. Carr noted in his history that appellant's federal employment included mechanical work of wrenching, gripping, lifting and use of hand tools. He reviewed the medical evidence and diagnosed status post bilateral carpal tunnel release. Dr. Carr stated:

> "[Appellant] has some other complicating factors of arthritis, Dupuytren's disease and fibromyalgia none of which are related to his work. I would note, however, that the patient's carpal tunnel syndrome likely has a contributory component from his work.
>
> "Although repetitive use alone has not been shown conclusively to result in carpal tunnel syndrome a combination of vibratory tools, repetition and forceful grip have been shown to be risk factors for carpal tunnel syndrome.
>
> "Therefore, the patient's work as an aircraft mechanic is likely a contributory factor for his carpal tunnel syndrome and causal relationship is established."

In a decision dated August 18, 2005, the hearing representative found that appellant had not established a bilateral carpal tunnel syndrome causally related to his federal employment. The hearing representative found that appellant had established the medical condition and identified employment factors, but the medical evidence from Dr. Carr was speculative and did not consider that appellant had not worked since 2002.

LEGAL PRECEDENT

In an occupational disease claim, to establish that an injury was sustained in the performance of duty in an occupational disease claim, a claimant must submit the following: (1) medical evidence establishing the presence or existence of the disease or condition for which compensation is claimed; (2) a factual statement identifying employment factors alleged to have caused or contributed to the presence or occurrence of the disease or condition; and (3) medical evidence establishing that the employment factors identified by the claimant were the proximate cause of the condition for which compensation is claimed or, stated differently, medical evidence establishing that the diagnosed condition is causally related to the employment factors identified by the claimant.[2] The evidence required to establish causal relationship is rationalized medical

[1] By letter dated June 15, 2005, appellant indicated that he wanted a review of the written record.

[2] *Victor J. Woodhams*, 41 ECAB 345 (1989).

opinion evidence, based upon a complete and accurate factual and medical background, showing a causal relationship between the claimed conditions and his federal employment.[3]

ANALYSIS

In the present case, the medical evidence reflects that appellant sustained bilateral carpal tunnel syndrome and that he has identified work factors, such as repetitive wrist and hand motions and use of hand tools. Appellant submitted a June 1, 2005 report from Dr. Carr, who provided a history, reviewed medical evidence and opined that the carpal tunnel syndrome was causally related to employment. The Office medical adviser found that the report was of diminished probative value as it was speculative. The Board notes, however, that Dr. Carr did not offer an opinion on causal relationship using an equivocal term such as "possibly."[4] Moreover, Dr. Carr provided some rationale for his opinion, noting that use of vibratory tools, repetition and forceful grip have been shown to be risk factors for carpal tunnel syndrome.

Although the report is not fully rationalized such that appellant's burden of proof is met, the June 1, 2005 report is of sufficient probative value to require further development of the record.[5] On remand the Office should secure medical evidence that properly addresses the issue presented. After such further development as is deemed appropriate, the Office should issue an appropriate final decision.

CONCLUSION

The Board finds that the case is not in posture for decision as the medical evidence is sufficient to require further development on the issue of causal relationship with employment.

[3] *See Walter D. Morehead*, 31 ECAB 188 (1979).

[4] *See Ellen L. Noble*, 55 ECAB ___ (Docket No. 03-1157, issued May 7, 2004); *Lois E. Culver (Clair L. Culver)*, 53 ECAB 412 (2002).

[5] *Rebel L. Cantrell*, 44 ECAB 660 (1993); *John J. Carlone*, 41 ECAB 354 (1989).

ORDER

IT IS HEREBY ORDERED THAT the decision of the Office of Workers' Compensation Programs dated August 18, 2005 is set aside and the case remanded for further development consistent with this decision of the Board.

Issued: December 8, 2005
Washington, DC

Alec J. Koromilas, Chief Judge
Employees' Compensation Appeals Board

David S. Gerson, Judge
Employees' Compensation Appeals Board

Michael E. Groom, Alternate Judge
Employees' Compensation Appeals Board